

**MAPLETON CITY
PLANNING COMMISSION MINUTES
June 26, 2008**

PRESIDING AND CONDUCTING: Chairman Oscar Mink

Commissioners in Attendance: Rick Maingot
Skip Tandy
Leo Thomsen
Bill Bleggi (Alternate)

Commissioners not in Attendance: Jared Bringhurst
Pam Elkington
Barbara Pratt
Steve Roden (Alternate)

Staff in Attendance: Matthew Brady, Planner I
Ben Christensen, City Council Member

Minutes Recorded by: April Houser, Executive Secretary

Call to order

Chairman Mink called the meeting to order at 6:30pm. Oscar Mink led the Pledge and Skip Tandy gave the invocation.

Items below are not necessarily in the order they appear.

Item 1. Planning Commission Meeting Minutes – June 12, 2008.

Motion: Commissioner Thomsen moved to approve the June 12, 2008 Planning Commission Meeting Minutes as corrected.

Second: Commissioner Maingot

Vote: 3:0:2 with Commissioners Maingot, Thomsen and Mink voting aye and Commissioners Bleggi and Tandy abstaining due to non-attendance.

Item 2. Mapleton City requests to amend Title 18, Development Code, Part III, Zoning, Section 18.84.410, Owner Occupied Accessory Apartments.

Matthew Brady (Matt), went over the Staff Report for those in attendance. Councilman Christensen was in attendance to answer questions during this item. **Chairman Mink** asked that Councilman Christensen inform the Planning Commissioners if he is aware of any of the required changes being made for the personal gain of others. A history of the Accessory

Apartment Ordinance was given by Matthew Brady. The City believes there may be several Accessory Apartments that are not in compliance with the City's Ordinance. At the current time an Accessory Apartment would pay ½ of all Impact Fees as part of the application process. There are some policy decisions that need to be made in regards to existing and new Accessory Apartments in the City. **Councilman Christensen** stated in his Staff Report that he feels these changes will help clarify the Ordinance, which he feels will help moving forward when trying to get the apartments throughout the City into compliance. The underlined text are proposed additions to the Ordinance, and those that have strikes through them are those proposed to be deleted. The definition of an Accessory Apartment in the City Code, if changed, will need to come back before the Planning Commission once it has been properly noticed. No changes are being proposed to the definition of a "Family" at this time. **Commissioner Tandy** asked what would be the ruling on having a married couple living in a home with two missionaries. Matt Brady stated that he would interpret that as not being allowed under the current definition of a family in regards to 3 unrelated individuals. If it were a single person living with 2 missionaries, that would pass the definition, but not a couple. Commissioner Tandy does not want to bring religion into this, but wondered if he would have to pay the fees in order to have the privilege of housing two young gentleman or women living in his basement. Chairman Mink stated that it is his understanding that we are determining the Ordinance in regards to the Accessory Apartment Ordinance. Chairman Mink reiterated to the Commission that we are only discussing the Accessory Apartment Ordinance at this time, and **Commissioner Bleggi** feels the focus should stay on the requirements of Accessory Apartments. Chairman Mink feels the definitions moving forward, should be kept as broad as possible, to help minimize confusion. Accessory Apartments are not currently allowed in all zones throughout the City. Chairman Mink felt that as long as an Accessory Apartment conforms to the Ordinance, it should be allowed anywhere throughout the City. Staff's (Cory and Matt) opinion would be that Accessory Apartments, depending on the zone, should be considered a Permitted Use. There are some revisions in regards to compliance with building codes as well. The Commission felt that an internal entrance in the single family home would be acceptable. Chairman Mink feels that family should be exempt, no matter if it is an attached or detached structure. Commissioner Tandy disagreed with this in the situation where the apartment is detached, or has no internal access. Currently the zone reads that Accessory Apartments are a Conditional Use, which is confusing since most Conditional Uses are approved by Planning Commission. Staff does not want to see a requirement that all proposed Accessory Apartments have to come before the Planning Commission for approval. **Commissioner Maingot** felt that the zone should not matter as long as it meets the lot size requirement, and is a single family home. Chairman Mink feels every citizen in the City needs to be made aware of this Ordinance once it has been updated and approved by the City Council, requesting that everyone comply. He feels that penalties should be incurred for those who do not come forward and legalize their Accessory Apartments. Commissioner Bleggi agreed with this type of notification. The Commission would like the required parking spaces to be paved – no use of gravel. The Commission wanted the parking to remain behind the front yard setback. There was a split decision of 3 to 2 in regards to requiring an additional garbage can at the home – 3 feeling the additional garbage can should be required. Staff (Cory and Matt) feel that the possible requirement where "two monthly sewer connection fees if the accessory apartment is occupied or used during any portion of the billing month" would be hard to regulate. The Commission felt that the choice in regards to charging for utilities is B (150%) unless the City's sewer bond would be in jeopardy, then choice A would be

the best, keeping the fee for two connections. Chairman Mink wanted to make sure that when it comes to a family living in a home with an Accessory Apartment, the owner of the home shall be able to live in either one of the units that makes up the Accessory Apartment. Councilman Christensen stated that once this ordinance is cleaned up and approved, the Second Kitchen Ordinance may be deleted all together. He also stated that he himself has an Illegal Accessory Apartment that he is trying to make legal at this time. The 3 year allowance to come into compliance was a discussion with members of Staff. Chairman Mink did not agree with the addressing having “A” and “B”, feeling it implies a duplex unit, not an Owner Occupied Accessory Apartment. Staff prefers to keep the “A” and “B” addressing for emergency crews. Chairman Mink opened the Public Hearing. No comments were given and the Public Hearing was closed.

Motion: Commissioner Tandy moved to recommend to City Council approval of an ordinance amending Title 18, Development Code, Part III, Zoning, Section 18.84.410, Owner Occupied Accessory Apartments, with the conditions listed below:

1. Recommended amendments of the proposed Accessory Apartment Ordinance given prior to the meeting be updated as per below:
 - a. Page 6 (b)(ii) reinstate “additional”.
 - b. Page 10 (b)(ii) after “labels on” insert “the primary dwelling unit and the”.
 - c. Page 10 before (d) insert “(v) The impact fee for an accessory apartment planned for a new home shall be paid at the time the impact fee is paid for the primary dwelling unit”.
 - d. Page 12 (9) after “section” insert “or as specifically provided by ordinance”.
 - e. Page 12 (9)(b)(ii) after “been made” insert “and a permit issued”.
2. Home must maintain an interior connection with the Accessory Apartment.
3. Attached Accessory Apartments be allowed in any zone where the single family home is located on a lot that is 14,500 square feet or larger in size.
4. In regards to parking, a requirement needs to be in place requiring two off street parking spaces in addition to the parking requirements for the single family home.
5. Paved or hard surface parking spaces required.
6. Charging fee for sewer connections be 150%, unless that will affect the City’s sewer bond, in which case the current billing system of 2 connections per Accessory Apartment remain in tact.
7. An additional garbage can be required (totaling a minimum of 2 cans) for each home with an Accessory Apartment.
8. The Accessory Apartment shall be no larger than the primary dwelling unit.

9. Staff to pursue getting more information in regards to the provision of Subsection (3)(d)(iii) and 7(a) not applying to a single-family dwelling unit that existed prior to November 5, 2003.
10. Detached Accessory Apartments be allowed in any zone where the single family home is located on a lot that is 1 acre or larger in size.
11. No interior connection required to a detached garage or barn.
12. Owners may live in either a main unit or the accessory apartment.
13. That a flat fee be charged for an Accessory Apartment - \$5,500.
14. Plans shall be submitted with the application to show the primary dwelling unit and the accessory apartment, and proposed uses of each room.
15. Appeal process not to exceed 45 days.
16. Appeals to be made to the City Council.
17. Addressing for Accessory Apartments to include "Unit A" and "Unit B".

Second: Commissioner Maingot

Vote: 4:1:0 with Commissioners Bleggi, Maingot, Tandy and Mink voting aye and Commissioner Thomsen voting naye desiring to review the final product before it is recommended to the City Council.

Item 3. Mapleton City requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.84, Supplementary Regulations.

Motion: Commissioner Maingot moved to continue an ordinance amending Title 18, Development Code, Part III, Zoning, Chapter 18.84, Supplementary Regulations until the July 10, 2008 Planning Commission Meeting.

Second: Commissioner Thomsen

Vote: Unanimous

Item 4. Adjourn

Motion: Commissioner Tandy moved to adjourn the meeting at 9:55pm.

Second: Commissioner Thomsen

Vote: Unanimous

April Houser, Executive Secretary

Dated:

Oscar Mink, Planning Commission Chairman

Dated:

Matthew Brady, Planner I

Dated: